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No. 01-1837

Supreme Court, U.S.
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In The
Supreme Court Of The United States

JOSEPH CALDRELLO AND SANDRA CALDRELLO
Petitioners

v.

FEDERAL DEPOSIT INSURANCE CORPORATION
AND REPUBLIC CREDIT CORPORATION, I
Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
STATE OF CONNECTICUT

REPLY TO BRIEF IN OPPOSITION

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RESPONSE TO PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANTS' WRIT OF CERTIORARI

This response to the plaintiff's brief in opposition to the defendants' writ of certiorari is filed pursuant to Rule 15.6.

COURSE OF PROCEEDINGS:

The original petition for certiorari was filed by the undersigned on June 11, 2002. A reply brief dated July 11, 2002, was filed by the plaintiffs. This memorandum is filed in response to such reply brief.

ARGUMENT:

This brief memorandum will not address the legal arguments made by the plaintiffs in this case. Although the defendants disagree with those arguments, the legal issues have been framed by both the writ of certiorari and the reply brief such that additional legal argument on the part of the defendants would be repetitive.

However, the defendants do need to point out a concession

made by the plaintiffs, and an inconsistency in their arguments.

The defendants identified a number of acts of the plaintiffs what when combined together amounted to improper behavior on their part.

One such act was the repeated refusal of the plaintiff, Republic, to assist in clearing up title to property to which they acknowledge they had no right.

During the pendency of this foreclosure action the City of New London attempted to sell the property at issue by way of a tax sale. The FDIC was the high bidder. When the tax sale was concluded the City of New London included in its deed to the FDIC, a description of property owned by the Caldrello children. They had no right to do this and that has been acknowledged by everyone. All of this property was then purportedly conveyed to Republic by the FDIC.

Repeated demand has been made upon the City of New

London, the FDIC and Republic for quitclaim deeds of whatever interest they might have back to the Caldrello children, the proper and true owners.

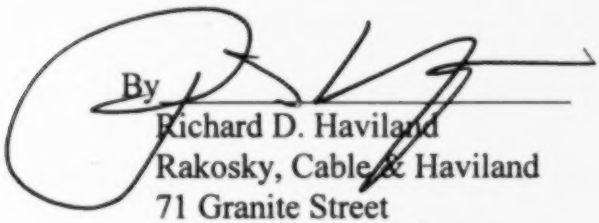
To date Republic has not offered to issue such a deed back to the proper owners. They have offered at various times to quitclaim the property back to the FDIC or to the City of New London. They have never offered to quitclaim it back to the Caldrello children. Their reply essentially claims that they have done so. That is simply untrue.

No one, not Republic, not the FDIC and not the City of New London have issued such deeds.

Republic's and the FDIC's unwillingness to do what is just and proper is just one example of the improper acts that have occurred. See the writ of certiorari for others.

For the reasons recited in the writ of certiorari the defendants respectfully request that their writ of certiorari be granted.

Dated at New London, CT this 15th day of August, 2002.



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